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In re Application of	:	
KURIMOTO et al.	:	
U.S. Application No. 10/525,032	:	DECISION ON PETITION
PCT No.: PCT/JP02/10220	:	
Int. Filing Date: 30 September 2002	:	
Priority Date: 20 August 2002	:	
Attorney Docket No.: 122778	:	
For: RUST INHIBITOR	:	

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 31 May 2006 to accept the application without the signature of joint-inventor, Kazuo Kobayashi. The petition fee has been submitted.

BACKGROUND

On 30 September 2002, applicants filed international application PCT/JP02/10220 which claimed a priority date of 20 August 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 March 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 20 February 2005.

On 17 February 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 30 August 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 28 February 2006, applicants filed a petition under 37 CFR 1.47(a) and a four-month extension of time. In a decision dated 04 April 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 31 May 2006, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

A review of the papers filed 28 February 2006 and 31 May 2006 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that non-signing inventor refused to execute the application, stated the last known address of the non-signing inventor, and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

For the reasons above, applicants' petition under 37 CFR 1.47(a) is GRANTED.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision. The 35 U.S.C. 371(c) date is **28 February 2006**.



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